


Entered - 2-9-01 - sb
CL 01L0118 - ALEXIS HOLMES

01-*R*-0384

CLAIM OF: **KAREN L. PASTERN**
1400 Cartecay Drive
Atlanta, Georgia 30319-3404

For vehicular damages alleged to have been sustained as a result of driving over an unsecured metal plate on January 23, 2001 Windsor Parkway and Peachtree Dunwoody Road.

THIS ADVERSE REPORT IS APPROVED

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0118

Date: 2/26/01

Claimant /Victim KAREN L. PASTER

BY: (Atty) _____

Address: 1400 Cartecay Drive Atlanta, Georgia 30319-3404

Subrogation: _____ Claim for Property damage \$ 196.09

Bodily Injury \$ _____

Date of Notice: 1/30/01

Method: Written, proper X

Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X

Ante Litem (6 Mo.) X

Date of Occurrence 1/23/01

Place: Windsor Parkway and Peachtree Dunwoody Road

Department United Water

Division: Sewer Operations

Employee involved _____

Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that she sustained vehicular damages when she drove her vehicle over an unsecured metal plate that was used to cover a construction site. However, an investigation determined that the construction site in question is 1) not within the City's limits and 2) it was created by United Water Services Atlanta, and therefore it is their responsibility, and not the responsibility of the City of Atlanta. Further, the claimant has been advised to pursue her claim with United Water Services Atlanta.

INVESTIGATION:

Statements: City employee X Claimant _____ Other X Written X Oral X

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____

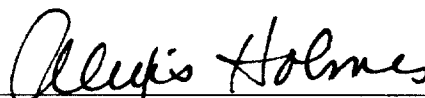
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved X Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____


Respectfully submitted,



INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 02-28-01 Committee Action: _____

Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
 City Hall
 55 Trinity Avenue, S.W.
 Atlanta, Georgia 30335

JAN 30 2001

RE: CLAIM FOR DAMAGES

Today's Date: 1/25/01

Dear Municipal Clerk:

ENTERED - 2-9-01 - SB
 01L0118 - ALEXIS HOLMES

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 196.09 property and/or \$ _____ bodily injury for which I contend the City is liable.

- Date of incident: 1/23/01 (month/day/year) 2. Time of Incident: 8:45 A.M. 3. Police called: Yes ☒ No ☐ Peachtree
- Location of incident (including street address): Intersection of Windsor Parkway & Dunwoody
- Name of your insurance company: Amica Policy No. 911010-2573
- State what and how incident occurred: I was northbound on Peachtree Dunwoody and waiting for the light to change so that I could turn left on to Windsor Parkway. I noticed that there was a metal plate in the street (see attached page.)
- ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!**
- The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).
 Your vehicle: VW Passat 1995 573LRD Karen L. Pastern
 (Make) (Year) (Tag Number) (Driver's Name)
 City vehicle: _____
 (Make) (City Driver's Name) (Department/Bureau)
- Witness: _____
 (Name) (Address) (Telephone Number)
- The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
- This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE
 INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

Karen L. Pastern
 (Print Claimant's Name)

1400 Cartecay Dr.
 (Address)

Atlanta GA 30319-3404
 (City, State and Zip Code)

71662-1650 41237-3581
 (Work Number) (Home Number)

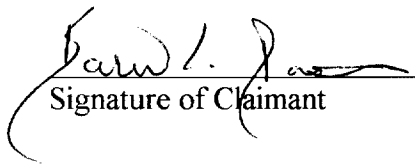
M 4/256-3400

Item 6 Continued:

and that it was not totally covering the hole. When I executed the turn, my right front tire made contact with the metal plate. Within ten to twenty feet past the intersection I realized that my tire had gone flat. I got the car to Butler Tire to have the flat repaired. However Mr. Mike Hong, an employee at Butler Tire (4/303-1114), told me that the tire could not be repaired because it had been ripped on the side of the tire. As a result of this, I had to get two new tires because, when replacing tires, one must always get a pair in order to maximize the utility of the tires.

When I finally got to my office I called the Fulton County Office of Public Works, because I thought that this particular intersection was in Fulton County. I spoke with a person named Cheryl, and explained the problem. She called me back at 11:20 A.M. and told me that a truck had been dispatched to properly place the plate so that it would cover the hole. However she also told me that this intersection is in the city of Atlanta and not in unincorporated Fulton. I then called City of Atlanta and spoke with Dawn in the Claims Dept. She then faxed me this claims form and told me that I needed to include a copy of my tag and a copy of the repair bill, all of which are enclosed.

Should you have additional questions, please don't hesitate to call. I look forward to a timely resolution of this problem.



Signature of Claimant

Karen L. Pastern
1400 Cartecay Dr.
Atlanta GA 30319-3404
7/662-1650 or 4/256-3400 Work Number
4/237-3581 Home Number

Encl.

01-*R*-0384